

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JEROME ADAMS, et al.

Plaintiffs,

v.

CITY OF NEW YORK, NEW YORK,

Defendant.

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No. 1:16-cv-03445-RA-SDA
(JURY TRIAL DEMANDED)

DECLARATION OF GREGORY K. MCGILLIVARY

I, Gregory K. McGillivary, an attorney admitted *pro hac vice* to practice law before this Court, hereby affirm, under penalty of perjury, as follows:

1. I am a partner at the law firm of McGillivary Steele Elkin LLP, attorneys for the plaintiffs in this case. I submit this declaration in support of Plaintiffs' Opposition to the Defendant's Motion for Decertification (Dkt. 127-129).

2. During discovery, defendant City of New York produced thousands of pages of documents. Defendant took the depositions of 23 plaintiffs, and plaintiffs took a number of Federal Rule of Civil Procedure 30(b)(6) depositions.

3. Attached as Appendix I are excerpts from Federal Rule of Civil Procedure 30(b)(6) deposition transcripts cited in Plaintiffs' Opposition to Defendant's Motion for Decertification, which was filed contemporaneously with this Declaration.

4. Attached as Appendix II are excerpts from plaintiff deposition transcripts cited in Plaintiffs' Opposition to Defendant's Motion for Decertification, which was filed contemporaneously with this Declaration.

5. Attached hereto as Exhibit 1 is a true and correct copy of Notices of Examination for the position of Fraud Investigator (DEF_E_00012222-12232).

6. Attached hereto as Exhibit 2 is a true and correct copy of Notices of Examination for the position of Associate Fraud Investigator (DEF_E_00012233-12239).

7. Attached hereto as Exhibit 3 is a true and correct copy of the position description for Associate Fraud Investigator (DEF_E_00011802-111806).

8. Attached hereto as Exhibit 4 is a true and correct copy of the Code of Conduct for HRA Employees (DEF_E_00012263-12273).

9. Attached hereto as Exhibit 5 is a true and correct copy of HRA Procedure No. P-14-03, Employee Time and Leave (DEF_E_00012195-12221).

10. Attached hereto as Exhibit 6 is a true and correct copy of HRA Procedure No. P-13-01, Overtime Authorization, Compensation and Control (DEF_E_00012184-12194).

Affirmed this 7th
Day of June 2019



Gregory K. McGillivray

CERTIFICATE OF SERVICE

This is to certify that on June 7, 2019, the foregoing Declaration and accompanying appendices and exhibits, were served in accordance with the Federal Rules of Civil Procedure, the Southern District of New York's Local Rules, and the Southern District's Rules on Electronic Service upon the defendant's counsel:

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/s/ Gregory K. McGillivray
Gregory K. McGillivray